

TOWN OF POLK
BOARD OF ZONING APPEALS MINUTES
March 26, 2009
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I. Call Meeting to Order - 6:30 p.m. at the Town of Polk Town Hall, 3680 Hwy 60, Slinger.

The meeting of the Board of Zoning Appeals was called to order by Chairman Art Melius at 6:30 p.m. at 3680 Hwy 60, Slinger.

A. Official Meeting Notification -

Notice of the Meeting was posted at the Town Hall, Highway View School and Cedar Lake Hills bulletin boards as well as faxed to the West Bend Daily News, Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel, and posted on the Town of Polk website. All interested parties were also notified.

B. Roll Call - Board members present: Chairman Art Melius, Karen Reiter, Mary Franz, Patrick Fehring, Marilyn Mayer, Rodney Bartlow - alternate, and Judy Stephenson, Zoning Secretary.

List of guests is attached. (See page)

C. Approval of Agenda - A motion was made by Karen Reiter to approve the Agenda for March 26, 2009, seconded by Marilyn Mayer. Motion carried unanimously by voice vote.

D. Approval of Minutes - December 30, 2008 - A motion was made by Mary Franz and seconded by Karen Reiter to approve the minutes of December 30, 2008 as corrected. Motion carried unanimously.

II. Public Hearing - Gary Kratz - owner - 4401 Sherman Rd., Slinger. Judy Stephenson, Zoning Secretary, read the Notice of Public Hearing for Gary Kratz.

A. Variance request to Section 6.02 (5) and 6.04 (2) of the Zoning Ordinance of Title X of the Municipal Code of the Town of Polk to allow a variance of 2.1 ft. from the minimum 15 foot side yard setback requirement, a variance of 14 ft. from the 25 ft. minimum rear yard setback and variance of 8 ft. from the 10 ft. minimum distance of a structure to the principal structure to construct an attached 32 ft. by 24 ft. garage. Tax Key #T9-0877, Section 28, Substandard Lot, Zoned A-1 Agriculture.

Gary Kratz asked his builder, Brian Bricko, to discuss the building. Mr. Bricko stated that John Frey, the Building Inspector, had talked him into using 2 by 6 construction instead of 2 by 4. He also stated that the rest of the structure is to be normal building materials and that they are waiting on storage trusses for the upstairs verses the regular storage package. He stated that where the construction is attached to the house, they are making sure the fire code is met. He also stated that there would be vinyl siding. Mary Franz asked if there would be masonry walls on either side. Mr. Bricko stated there would be 8 " by 24 " footing and then a 4 ft. frost wall and they would be building on top of that.

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He further stated that the structure would be attached to the house in the kitchen area so they had to make a separate section out of masonry to raise that up approximately 2 ft. and that has to be made fireproof, which can be done in several ways, according to the Building Inspector. Further discussion was held.

Art Melius asked how far from the other garage to the west this would be. Mr. Bricko stated that it is 12.9 ft. from the lot line. Mr. Kratz stated that it is maybe an extra 2 ½ feet more to the garage; there is very little overhang. Mary Franz asked about the septic area to the east of the house. Mr. Kratz stated he had marked it for the Board to see using an upside down birdbath and it was straight out from the patio. Mary Franz asked if there were any previous variances granted on the property. Judy Stephenson stated that there were none in file. Further discussion was held. Mary Franz asked about the distance from the rear yard to the center line of Hwy 175. Mr. Kratz stated that his property does not abut the highway - there is a strip of property owned by someone else that is between his property and the highway. Further discussion was held.

Rod Bartlow asked which structures were involved in the 8 ft. variance for distance between structures. Mr. Bricko stated that the overhangs from the structures would be about 2.1 ft. apart with the buildings being the same height; between the corners themselves it would be about 5.8 ft. Mr. Bricko further stated that the buildings involved are the shed and the attached garage.

Judy Stephenson stated that when she visited the property she noticed that there were two garages. Mr. Kratz stated that the one would be removed.

Judy Stephenson stated that none of the neighbors had contacted the Town with regard to the variance request.

Chairman Arthur Melius closed the Public Hearing and the Board considered the findings.

Mary Franz read the findings:

1. Preservation of intent - Attached garages are permitted in the A-1 Agricultural District. There are no square footage requirements for attached garages.
2. Exceptional circumstances - This is a triangular, substandard lot with the septic on the east side.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance - There is no self-imposed or economic hardship.

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4. Preservation of Property Rights - This allows for an attached garage like other people have.
5. Absence of Detriment - There would be no detriment..

Decision - The Board agreed to grant the variance - it meets all the criteria.

Motion by Marilyn Mayer and seconded by Karen Reiter to approve the variance as requested. All voted in favor and the motion passed.

IV. Adjournment

Motion to adjourn made by Karen Reiter and seconded by Mary Franz. All voted in favor and the meeting was adjourned at 6:50 p.m.

Respectfully Submitted,

Judy Stephenson
Zoning Secretary

